

"The City With a Heart"

Larry Franzella, Mayor
Ken Ibarra, Vice Mayor
Rico E. Medina, Councilmember
Irene O'Connell, Councilmember
Jim Ruane, Councilmember

MINUTES

CITY COUNCIL REGULAR MEETING

November 13, 2007

7:00 p.m.

1. CALL TO ORDER: THIS IS TO CERTIFY THAT The San Bruno City Council met in regular session on October 9, 2007 at the San Bruno Senior Center, 1555 Crystal Springs Road. The meeting was called to order at 7:00 p.m.

Mayor Franzella thanked the San Bruno Garden Club for the beautiful flower arrangement.

2. ROLL CALL/PLEDGE OF ALLEGIANCE: Presiding was Mayor Franzella with Vice Mayor Ibarra and Councilmembers Ruane, Medina and O'Connell in attendance. Recording by Clerk Bonner. San Bruno's Cub Scouts Pack 250 will present the colors, led by David Taumoepeau.

3. ANNOUNCEMENTS: **Mayor Franzella** announced the Redevelopment Agency Meeting will follow Item 9.b.

4. PRESENTATIONS:

a. **Mayor Franzella** presented the Proclamation for World Diabetes Day on November 14, 2007 in support of the United Nations Resolution.

b. **Mayor Franzella** presented a Proclamation Recognizing Eichen's Lighting on their 50th Anniversary of Operation in San Bruno to Adam and Susan Kuang. He also presented them a Plaque for Eichen's 50 years of business.

5. REVIEW OF AGENDA: No changes.

6. APPROVAL OF MINUTES: Special Meeting of October 23, 2007 and Regular Council Meeting of October 23, 2007, stand approved as submitted.

7. CONSENT CALENDAR:

a. **Approve:** Payroll of October 14 and 28, 2007.

b. **Approve:** Accounts Payable of October 8, 15, 22 and 29, 2007.

M/S Medina/Ibarra to approve Consent Calendar and approved with a unanimous vote.

8. PUBLIC HEARINGS:

Hold Public Hearing, Waive First Reading, and Introduce Accessory Buildings Ordinance, Amending Section 12.84.140 of the San Bruno Municipal Code to Specify a Maximum Height for Accessory Buildings, Specify a Maximum Lot Coverage within the Rear Setback, Clarify Accessory Building Height Measurements, and Clarify Consistency with the California Building Code.

Community Development Director Akin reviewed the staff report and asked for questions.

Vice Mayor Ibarra asked, “no maximum size stated?” **Community Development Director (CDD) Akin** concurred and said indirectly there are size limitations. **Vice Mayor Ibarra** asked if under existing codes this would fall under the term garage if it were not a garage. **CDD Akin** concurred. **Vice Mayor Ibarra** asked if there were maximums in other jurisdictions? **CDD Akin** said the main thing he saw other cities do was limit the height and limit the amount which could be built in the rear setbacks. **Vice Mayor Ibarra** asked about the use, where accessory structures are used for more than storage. The ordinance says it is not allowed; however, he said he did not agree with the comparison with the second unit. **CDD Akin** said he believed the main reason the provision was put in there years ago, when the code was adopted, was the set-backs are there to separate living areas, five feet away from the property line and ten feet away from the neighbor. Accessory buildings are closer to the property line and the impacts are magnified.

Mayor Franzella opened the public hearing. No one wished to speak.

M/S Ibarra/Medina to close the public hearing.

M/S Ruane/Ibarra to waive the first reading and passed with a unanimous vote.

Councilmember Ruane introduced the ordinance for adoption and passed with a unanimous vote.

9. CONDUCT OF BUSINESS:

a. Receive Oral Report from City Clerk on the Unofficial Results for the November 6, 2007 General Municipal Election.

City Clerk Bonner explained there were 20,000 uncounted provisional and absentee ballots filed on the last day of the election and gave the unofficial results from the election.

b. Adopt Resolution Accepting the Independent Auditor Reports, the City’s Comprehensive Annual Financial Report (CAFR), Single Audit Report, and Measure A Funds Audit for the Fiscal Year, ended June 30, 2006.

Finance Director O’Leary introduced Kim Juran, Appointed Assistant Finance Director. He explained the audit process and reviewed the results of the reports distributed to Council.

Councilmember Ruane asked to highlight the potential unfunded liability, isn’t that a planned situation and also doesn’t the plan on the other side have assets? **Finance Director O’Leary** said the assets of the Teamster’s Welfare and Trust are not reflected on the City’s books. City Retirees receive medical benefits through the Teamsters and there is no direct obligation on the City’s part. How any unfunded liability is recorded on financial statements is yet to be determined.

Vice Mayor Ibarra introduced the resolution for adoption and passed with a unanimous vote.

Mayor Franzella recessed the Council Meeting to the San Bruno Redevelopment Agency Meeting at 7:47 p.m. **Mayor Franzella** called the Council Meeting back to order at 7:50.

c. Adopt Resolution Authorizing the City Manager to Execute Construction Contract with JJR Construction, Inc. in the Amount of \$148,000 for Sidewalk Repair Program 2007 and Authorize Construction Budget in the Amount of \$185,000.

Engineer Davis reported the progress on the sidewalk repair program and asked for Council's adoption to do another 800 locations.

Councilmember Ruane asked if all of the grant money has been used for the rubberized sidewalk? **Engineer Davis** said yes. He said there is a new round of grant funding coming out; however, he said they should take a year off and see how the rubberized material works.

Councilmember Medina asked if any trees were removed. **Engineer Davis** said no, the goal is to preserve the trees.

Councilmember Medina said when the roots are cut, they will grow again and we will be faced with the same problem. He asked if there was consideration to when we would be revisiting that same situation or is this just a band-aid? **Engineer Davis** said if there is a removal and replacement done next to a tree and the tree grows, he hoped it could be managed through a cut and grind solution. He said it was hoped things could be taken care of through a less costly means. He said they plan to revisit locations in the future.

Councilmember Medina asked how many areas already completed need revisiting. **Engineer Davis** said every place there was a tree, there is potential for regrowth. He could not estimate the number of areas.

Councilmember Medina asked if residents have been given a choice and been notified. **Engineer Davis** said the project he was asking to be awarded tonight is more expensive and homeowners will be asked to partner with the City to pay additional money on the property to take advantage of the unit prices from the contractor. He said they are anticipating partnering with fifty homeowners. **Councilmember Medina** said if someone wanted to have cement in front of their home, would they have the opportunity or choice. **Engineer Davis** said yes. In response to homeowner notification, **Engineer Davis** said once they start marking the spots for remove and replace they will do outreach to notify the residents.

Councilmember O'Connell asked if part of the advantage of rubberized sidewalks is to inhibit root growth and if it doesn't, is it easy to lift and put down again? **Engineer Davis** said it is 2" versus cement that is 4"; hence it is more flexible and easy to work with.

Vice Mayor Ibarra asked if the rubberized sidewalks were easy to remove? **Engineer Davis** said they weigh about 65 or 70 lbs. each and they are anchored with dowels. **Vice Mayor Ibarra** said the public should know all of these installations were done around tree instances, which the City has taken responsibility. He was concerned about those who had to pay for their sidewalks. He also talked about visibility from inconsistencies. **Engineer Davis** said they are planning on 20 square foot size for the minimum size, considering functionality and aesthetics. **Vice Mayor Ibarra** asked the standard flag size and **Engineer Davis** replied 2' x 2'.

Vice Mayor Ibarra asked who was making the determination on the roots. **Engineer Davis** replied they would engage an arborist. **Vice Mayor Ibarra** said he felt it was Council's policy to do everything to save the trees.

Vice Mayor Ibarra asked how much had been spent to date. **Engineer Davis** said about \$65,000. to date for 400 locations. The next phase will take in about 800 locations.

Councilmember Medina asked if the arborist was being outsourced. **Engineer Davis** said they would use in house, depending on their availability. **Councilmember Medina** suggested our arborist on staff should be first priority because of his knowledge of the community. **Engineer Davis** said that would be the first choice and if they are not available, then they would outsource.

Councilmember Ruane introduced the ordinance for adoption and passed with a unanimous vote.

d. Set Public Hearing, Waive First Reading, and Introduce 2007 Fire and Building Codes to be Adopted by Reference and Review Resolution Adopting Findings of Necessity and Need for Amendments, Deletions and Additions to the 2007 Fire and Building Codes.

Community Development Director (CDD) Aknin gave an overview of the staff report.

Chief Voreyer gave an overview of the staff report.

Vice Mayor Ibarra asked if there was a location for the safe and sane fireworks? **Chief Voreyer** said the Municipal Code allowed the Fire Chief to make the determination where the storage bin can be done. If it is 300 feet, the Chief can work with the people.

Vice Mayor Ibarra said he liked getting smoke alarms in every house but he had issue with the sprinkler ordinance and **Mayor Franzella** shared some of his sentiments. He also asked if all water services have the capacity to handle the sprinkler systems.

Fire Marshall Devendorf said a 500 square foot addition would only take two sprinkler heads and they would not have to install a full sprinkler system and if they presently have decent water flow in their shower, they would not need a new water system. **Mayor Franzella** said what if they don't have a decent shower? **Fire Marshall Devendorf** said it might not require an upgrade of the service, but the water line from the water service to the house would need replacement. **Mayor Franzella** said it would be an undo burden and waste of time on the homeowner if they were adding on 500 square feet to a 2500 square foot house and were required to put in a new main. He felt smoke detectors should be put in every sleeping area, but the sprinklers only in the addition area would not be effective.

Councilmember Medina asked if those with inadequate water flow are in the older parts of the City? **Chief Voreyer** said that was not necessarily true. He said it varies throughout the community based on the infrastructure, distribution of the water mains. **Mayor Franzella** said for those areas that don't meet the flow, are they required to sprinkle it? **Chief Voreyer** concurred.

Mayor Franzella asked for action from Council. He stated the Public Hearing is set for November 27, the first reading needs to be waived and the ordinances need introduction.

Vice Mayor Ibarra was unclear on which adopted code should be referenced.

Mayor Franzella said the only proposed changes were smoke detectors, storage of safe and sane fireworks, residential sprinklers and the administrative appeal process, which goes across all of the measures.

City Attorney Thompson said the proposed changes regarding the sprinklers and smoke detectors, etc. pertain to the fire and building codes. She said all of the other recommended changes pertain to all eight of the ordinances.

Mayor Franzella said it could be done in one motion; the proposed changes could be incorporated and/or eliminate any of the recommended changes.

Councilmember Ruane asked Chief Voreyer if he had any reservations in what the Councilmembers discussed regarding the sprinkler systems.

Chief Voreyer said they were trying to make a consistent application and fire sprinklers do save lives and they do prevent a fire from getting out-of-hand and exposing firefighters to the dangers they try not to face every day.

Vice Mayor Ibarra referenced Millbrae and how they require sprinklers in the garage when there is an improvement valued at \$1000. or more. He said when sprinklers are being looked at, consideration should be given to where would be the most important placement in the house. **Chief Voreyer** explained the sprinkler process and said they understood the cost to the homeowner. He said as it sits today, if the fire flow were adequate, they have no ability to require fire sprinklers, as the local amendment is proposed, they would have the ability to put in sprinklers.

Vice Mayor Ibarra proposed the local amendment for fire sprinklers not be included in the building code and fire code as a local amendment.

Mayor Franzella said there needed to be a motion to set the public hearing for the 27th and waive the first reading with those changes made, so the first reading would incorporate that and then the ordinance would need to be introduced.

Vice Mayor Ibarra/O'Connell to set the public hearing and omit the local amendment for fire sprinklers and passed with all ayes.

Vice Mayor Ibarra/Medina to waive the first reading and passed with all ayes.

Vice Mayor Ibarra introduced the following ordinances for adoption:

- 1) Ordinance adopting by reference the 2007 Administrative & Reference Standards (Ch 11.02)
- 2) Ordinance adopting by reference the 2007 Building Code (Ch. 11.04)
- 3) Ordinance adopting by reference the 2007 Energy Code (Ch. 11.06)
- 4) Ordinance adopting by reference the 2007 Mechanical Code (Ch. 11.08)
- 5) Ordinance adopting by reference the 1997 Housing Code (Ch. 11.12)
- 6) Ordinance adopting by reference the 2007 Electrical Code (Ch. 11.16)
- 7) Ordinance adopting by reference the 2007 Plumbing Code (Ch. 11.20)
- 8) Ordinance adopting by reference the 2007 Fire Code (Ch. 11.24)

and after **Councilmember O'Connell** asked for clarification of the fire code and **Mayor Franzella** said they would stay as they are today and the ordinances were passed with a unanimous vote.

e. Adopt Resolution Authorizing the City Manager to Execute Construction Contract with Trinet Construction, Inc. in the Amount of \$2,288,000 for Water Pump Station No. 5 Maple Replacement Project.

Engineer Davis reviewed the staff report and presented possible colors for the pump station. He said there were six bidders and Trinet's bid came in about 10% over the engineer's original estimate which he attributes to the fact the State has recently issued additional diesel generator discharge requirements.

Councilmember Ruane asked about the diesel generator?

Engineer Davis said there are new discharge requirements depending on the proximity to schools, recreation areas and residential. He said there is a supply and demand issue, because there are only a small number of companies who issue this type of generator. He added he had a lump sum bid, so he could not break out the cost.

Vice Mayor Ibarra asked who was the engineer who estimated. **Engineer Davis** said Brown and Caldwell prepared the estimate. **Vice Mayor Ibarra** asked how qualified was the estimate. **Engineer Davis** said Brown & Caldwell did a detailed estimate to identify all the components of the project. He said it was a lump sum estimate so there was no breakdown to compare. He said they used their best resources to explain the discrepancy. **Vice Mayor Ibarra** asked if once the bid is awarded if they go through and itemize line by line? **Engineer Davis** said in this case there were two items, one for the lump sum item for the project in place and the other was an allowance for contingencies.

Councilmember Medina asked because the estimate was done in a lump sum we are unable to identify the additional monies? **Engineer Davis** said there were a group of bids that were in close range to each other and they believe this is the market value for this project. He said there are sufficient funds to award this construction project. **Mayor Franzella** said he believed when the engineer's estimate was drawn up, it was an itemized estimate, but when the bids came in, all of the bids were lump sum priced.

Councilmember Medina asked who would oversee this project. **Engineer Davis** said this project would have a site inspector, Marty Medina. In addition there will be a project engineer, represented by Anchor, and Brown and Caldwell on the technical side.

Councilmember O'Connell asked what was the timeline? **Engineer Davis** said the first thing would be to finalize the contract documents and once they receive a schedule they will go through the timeline process. In response to **Councilmember O'Connell's** request to let them know, **Engineer Davis** said he would inform them of the schedule.

Mayor Franzella asked primary access to the site would be Cherry Ave. **Engineer Davis** said the routine staff response is intended to be from Cherry Ave. Secondary access would be Maple. **Councilmember Medina** wanted to be sure the neighbors were notified. **Engineer Davis** said outreach would be definitely done.

Vice Mayor Ibarra asked if there was repetition between the Maple Street Station and the College Station? **Engineer Davis** said there are similarities. He said doing both projects together was economical.

Councilmember Ruane introduced the resolution for adoption and passed with a unanimous vote.

f. Receive Oral Report on Status of Public Emergency at Hillside Behind 1400 Block Claremont Drive.

Engineer Davis provided an update on the sewer damage behind the 1400 block of Claremont.

g. Adopt Resolution Authorizing City Manager to Execute Agreement Between the San Francisco Bay Area Rapid Transit District and the City of San Bruno for the Removal, Reconstruction, Protection in Place, Extension or Relocation, and Maintenance, of San Bruno-Owned Utilities in Connection with the BART SFO Airport Extension.

Engineer Davis reviewed the staff report and pointed out he had put a new resolution on the Dias that added a provision that permits the City Manager to approve minor changes in the agreement and the attachments.

Vice Mayor Ibarra asked if language could be added to open the gate? **Engineer Davis** said this is a step that will take the City closer to resolving it.

Councilmember Medina said if this is a necessity to resolving the fence, he he hoped to see results. He said it was a safety issue.

Vice Mayor Ibarra introduced the resolution for adoption and passed with a unanimous vote.

h. Set Date and Time to Interview Applicants for Vacancies on Traffic, Parking & Safety Committee, Personnel Board and Parks and Recreation Commission.

Mayor Franzella gave choices of dates to interview and Council agreed to do the 27th of November at 8:30 p.m., enabling those vacant seats to be filled sooner.

10. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Robert Riechel, 7th Ave., said there was an article in the paper on 280, the California Department of Transportation was temporarily redirecting some of the runoff water and he had a number of questions. Mayor Franzella said they would get him answers.

Paul Bellanca, Cypress Ave., asked how the water bill is broken down. Mayor Franzella advised him to go to the Finance Department and they would have answers.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

12. COMMENTS FROM COUNCIL MEMBERS:

13. CLOSED SESSION:

14. ADJOURNMENT: There being no further business to transact, the meeting concluded at 9:15 p.m. The next City Council Meeting will be held on November 27, 2007 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road.

Respectfully submitted for approval
at the regular City Council Meeting of
November 27, 2007

Carol Bonner, City Clerk

Larry Franzella, Mayor